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18 TARGET CORPORATION

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

1 AIMEE LAMBERT, on behalf of herself and all
2 others similarly situated,

3 Plaintiff,

4 v.

5 TARGET CORPORATION, a Minnesota
6 corporation, and DOES 1 through 50, inclusive,

7 Defendants.

8 Case No. 2:14-cv-00156-TLN-CK

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**STIPULATION AND ORDER
STAYING PROCEEDING
PENDING MDL
CONSIDERATION**

20 Hon. Troy L. Nunley

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2 Plaintiff Aimee Lambert and Defendant Target Corporation (“Target”), by and through
 3 their attorneys of record, do hereby stipulate and agree to the following:

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RECITALS

5 WHEREAS Plaintiff filed the complaint in the above-captioned action against Target on
 6 January 21, 2014 (“Complaint”);

7 WHEREAS Target has identified at least 75 actions (together with this case, the
 8 “Actions”) asserting substantially similar allegations against Target pending in courts across the
 9 country;

10 WHEREAS there have been numerous petitions submitted to the Judicial Panel on
 11 Multidistrict Litigation (“JPML”) to consolidate the Actions into a single multidistrict litigation
 12 (“MDL”) pursuant to 28 U.S.C. § 1407;

13 WHEREAS all briefing with regard to these petitions was completed on January 30, 2014;

14 WHEREAS more than 40 Plaintiffs in the various Actions, along with Target, have
 15 advised the JPML that they support consolidation and transfer of the Actions;

16 WHEREAS no Plaintiffs in any of the Actions have advised the JPML that they oppose
 17 consolidation or transfer;

18 WHEREAS the parties expect that this action, along with the other Actions, will be
 19 consolidated into an MDL,¹ and that the JPML will also decide where the cases will be
 20 transferred as an MDL;

21 WHEREAS this action has only just commenced and there has been no activity in the
 22 case;

23 WHEREAS this Court has the inherent power to grant a stay, especially in circumstances
 24 such as here, where doing so would promote judicial economy and avoid prejudice to the parties,
 25 *see, e.g., Landis v. North Am. Co.*, 299 U.S. 248, 254 (1936); *Vantine v. Merck & Co., Inc.*, No.
 26 S-06-2851, 2007 WL 516389, at *1 (E.D. Cal. Feb. 12, 2007) (staying action pending JPML

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¹ *See In Re: Target Corporation Security Breach of Customer’s Financial Data*, MDL No. 2522, ECF No. 90-1, at 4 (listing this action as one of the actions to be consolidated).

decision);

WHEREAS absent a stay, the Court and the parties would face case management obligations and deadlines and, in light of the likelihood that there will be an MDL consolidating these actions for the purpose of pretrial proceedings, a stay is necessary and prudent to avoid duplication of pretrial efforts by the parties, any waste of judicial resources, and the risk conflicting rulings;

WHEREAS the parties have met and conferred and agree that this action should be stayed pending a decision by the JPML regarding the MDL Number 2522;

STIPULATION

NOW, THEREFORE, the parties hereby stipulate and request that the Court enter an order stating that:

1. This action is stayed pending the transfer decision of the Judicial Panel on Multidistrict Litigation (the “MDL Panel”);

2. All deadlines, including Target's obligation to respond to Plaintiff's complaint, are vacated until further order of the Court; and

3. The parties shall notify the Court of the MDL Panel's decision within 10 days of the decision.

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2 Respectfully submitted,

3 Dated: February 7, 2014

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5 DAVID F. McDOWELL
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JACK W. LONDEN
SAMUEL J.B. LUNIER
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6
7 By: /s/ Samuel J.B. Lunier
8 SAMUEL J.B. LUNIER

9 Attorneys for Defendant
TARGET CORPORATION

10 Dated: February 7, 2014

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14 PRESCOTT W. LITTLEFIELD

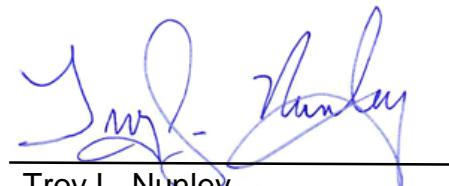
15 Attorneys for Plaintiff
AIMEE LAMBERT

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17 FILER'S ATTESTATION

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19 Samuel J.B. Lunier hereby attests that concurrence in the filing of this document has been
20 obtained pursuant to Local Rule 131(e).

21
22 **IT IS SO ORDERED**

23
24 Dated: February 7, 2014

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27 
Troy L. Nunley
United States District Judge